

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 12 5AM 16 25

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Jesus CAMARILLO
2.) Jose Alfredo LOJERO-Valdovinos JR
3.) Pedro MENDEZ-Lopez,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal

Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without

Presentation

DEPUTY

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about August 12, 2008, within the Southern District of California, defendant Jesus CAMARILLO and Jose Alfredo JR. LOJERO-Valdovinos with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Cesar Augusto SANCHEZ-Vazquez, Erika Lizbeth VASQUEZ-Guillen, and Maria Del Carmen CRUZ-Martinez had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about August 12, 2008, within the Southern District of California, defendant Pedro MENDEZ-Lopez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Cesar Augusto SANCHEZ-Vazquez, Erika Lizbeth VASQUEZ-Guillen, and Maria Del Carmen CRUZ-Martinez, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

John Wallace

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF AUGUST 2008

Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

DAA 8/12/08

ECC

NO. 1352 P. 1

AUG. 14. 2008 9:29AM B P PROSECUTIONS

CONTINUATION OF COMPLAINT:**Jesus CAMARILLO****Jose Alfredo LOJERO-Valdovinos JR****Pedro MENDEZ-Lopez****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Cesar Augusto SANCHEZ-Vazquez, Erika Lizbeth VASQUEZ-Guillen, and Maria Del Carmen CRUZ-Martinez**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 12, 2008, Border Patrol Agents M. De Ponte and J. Mielke, of the San Diego Sector Air Mobile Unit (AMU), were conducting static surveillance near Jamul, California. The agents were positioned near the 6.5 mile marker on Otay Lakes Road. At approximately 9:50 a.m., the AMU agents observed a group of six suspected illegal aliens near Otay Lakes road. This area is just to the east side of the small air strip called Nichols Field in Jamul, California. This area is approximately three miles north of the international border between the United States and Mexico and approximately three miles east of the Otay Mesa, California Port of Entry. This area is on the north side of Otay Mountain and has several canyons that have outlets near by. This area is notorious for alien smuggling, foot guides and smuggled aliens. The groups move down from the mountain, after crossing from Mexico, and move to the roadway in order to wait for their smugglers and load vehicles. AMU agents believed that that this group was preparing to be picked up and alerted nearby plainclothes units and uniformed agents from Chula Vista Station.

Plainclothes agents were in the area and listened as the AMU agents radioed the location of the group. At approximately 9:55 a.m., AMU agents radioed that two white pick up trucks were pulling up to where the aliens were staged by the side of the road. The agents described the first truck as a white and silver striped extended cab pickup with a rack over the bed for ladders. The AMU agents radioed that the group had loaded into the first vehicle and the second white pickup truck was following the first vehicle. AMU agents radioed that both vehicles were working together. AMU agents reported that both vehicles were moving westbound toward Wueste Road in Chula Vista, California.

At approximately the 4.0 mile marker plainclothes Agent E. Penagos exited his unmarked service vehicle and waited for the approach of the load vehicles. Agent Penagos observed the first white extended cab pick up approach his position at the side of the road.

Agent Penagos had his Border Patrol issued shield clearly visible around his neck hanging from a neck chain. The vehicle was moving slowly in the curve and approached Agent Penagos. Agent Penagos motioned with his hand and arm for the vehicle stop and yelled to the driver to stop the vehicle. Agent Penagos could clearly see that the driver was wearing glasses and was behind the wheel. Agent Penagos did not believe the vehicle was going to yield and deployed his Stop Stick spike deployment bag in front of the white extended cab pickup and the driver of vehicle swerved into the oncoming lane of traffic to avoid the stop sticks and accelerated away.

Agent Penagos then turned his attention to the second white pickup truck coming toward his position and ordered that vehicle to stop. That vehicle, later determined to be a white 1997 Dodge pickup truck bearing a California license plate, yielded to Agent Penagos.

CONTINUATION OF COMPLAINT:**Jesus CAMARILLO****Jose Alfredo LOJERO-Valdovinos JR****Pedro MENDEZ-Lopez**

Based on the observations of the AMU team, the smuggling event the prior day involving two vehicles and his own officer experience, Agent Penagos believed that the driver was involved as a scout for the first white extended cab pickup carrying the illegal aliens. Agent Penagos placed that driver, later identified as defendant #2, **Jose Alfredo LOJERO-Valdovinos JR** into custody at approximately 10:00 a.m.

The extended cab white pickup with a silver stripe, later determined to be a 1993 Ford F-250 pickup truck without a license plate, approached the intersection of Wueste Road and Otay Lakes Road. SIG Supervisory Border Patrol Agent J. Wallace had another set of stop sticks deployed across Otay Lakes Road. A marked Border Patrol vehicle was stopping eastbound traffic. Agent Wallace ordered the driver to stop and the vehicle yielded short of the stop sticks.

Agent Wallace approached the vehicle and observed a young Hispanic male wearing eye glasses in the driver's seat. Agent Wallace identified himself as a Border Patrol Agent and ordered the driver to shut off the vehicle and ordered the driver out of the vehicle. The driver, later identified as defendant #1, **Jesus CAMARILLO**, was arrested at approximately 10:05 a.m. Agents Wallace looked inside the cab of the vehicle and observed four suspected illegal aliens lying down on the floor throughout the cab area and six suspected illegal aliens lying in the bed of the pickup.

Agent Wallace observed one male wearing a tan shirt laying on the ground and manipulating a cellular phone in his right hand. Agent Wallace secured the telephone and handcuffed this individual. Agent Wallace believed that this individual, later identified as defendant #3, **Pedro MENDEZ-Lopez**, may be a foot guide and may have been trying to delete incriminating information from his cellular phone. All ten suspected illegal aliens were interviewed and all ten admitted to being citizens and nationals of Mexico illegally present in the United States. All ten individuals were placed into custody and transported to Chula Vista Station.

DEFENDANT STATEMENT: Jesus CAMARILLO

CAMARILLO stated that he was a United States citizen and was born in Chula Vista, California. CAMARILLO stated that he has six prior arrests for alien smuggling, dating since 2005, and that he was prosecuted for alien smuggling. CAMARILLO stated that he was convicted and sentenced to 13 months prison and that he is currently on U.S. Probation/ Supervised Release.

CAMARILLO stated that he first became involved in alien smuggling back in 2005, when an old friend of his, asked if he wanted to make some fast money, and offered him work as a load driver. CAMARILLO stated that his job was to driver undocumented aliens through the port-of-entry. CAMARILLO stated that he was successful driving through the first time but was then arrested on his second attempt. CAMARILLO stated that in three prior smuggling events there was always a single smuggled alien, and that he was paid \$100.00 (USD) per successful event. CAMARILLO stated that he had driven 5 times successfully and had been arrested 3 times. On each occasion that he had been arrested, CAMARILLO stated that the vehicle had been seized and that the inspectors had taken his photograph and print, but had not formally charged him with alien smuggling.

CAMARILLO stated that he stopped working as a driver because it seemed too risky. CAMARILLO learned through a friend that instead of crossing aliens through the port-of-entry, he would be picking up and

CONTINUATION OF COMPLAINT:**Jesus CAMARILLO****Jose Alfredo LOJERO-Valdovinos JR****Pedro MENDEZ-Lopez**

transporting undocumented aliens who were already here within the U.S., and that the would be paid \$100.00. As relates to today's event, CAMARILLO stated that he pulled up to a load spot, he yelled out "GALLO" and the aliens, who had been hiding behind the rocks, ran up to the truck. CAMARILLO stated that he tried yelling at them to pile into the cab of the truck because he realized he could get in more trouble for endangerment if they were lying in the bed of the truck. CAMARILLO stated that he was regretful, and that he was pretty sure that he was going to prison.

DEFENDANT STATEMENT: Jose Alfredo LOJERO Valdovinos JR

LOJERO stated that he is a United States citizen, born in San Diego, California. LOJERO was asked how he had become involved in the smuggling of aliens, and LOJERO responded that he started working for his uncle Ricardo VALDOVINOS about two years ago. LOJERO states that he has two prior arrests for alien smuggling and one prior arrest for conspiracy of alien smuggling, which he clarified as to being a lookout. LOJERO states he has successfully smuggled four times prior to today's event, and getting paid \$200 USD for each time he was successful. LOJERO states that the previous times he was involved in smuggling have all been in the same general area as today's event. LOJERO did not want to say who he is currently working for or with in his smuggling ventures.

LOJERO stated that early this morning around 8:00 A.M. he received a call telling him to go to the Seven Eleven on the 94 highway next to Steel Canyon Road and wait for a white truck with black bars to come by then get behind it and follow it. LOJERO states that at around 9:30 A.M. he got behind the white truck as it passed him going east bound on the 94 highway. LOJERO states he followed the vehicle east on the 94 then west onto Otay Lakes Rd. for approximately 10 minutes. LOJERO then states the truck stopped and people began getting into the truck very quickly, and then took off right away. LOJERO states he was behind the load vehicle as they came to the area where there was an agent on the side of the road telling them to stop.

LOJERO said he noticed that there were spikes laid out on the road, and that the load vehicle did not stop for the agent and ran over the spikes and kept going. LOJERO states he did stop for the agent and did not run over the spikes. LOJERO states that after stopping he was taken into custody by the Border Patrol.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Cesar Augusto SANCHEZ-Vazquez, Ericka Lizbeth VAZQUEZ-Guillen and Maria Del Carmen CRUZ-Martinez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$1,800.00 (USD) to be smuggled into the United States. Material witnesses **Cesar Augusto SANCHEZ-Vazquez, Ericka Lizbeth VAZQUEZ-Guillen and Maria Del Carmen CRUZ-Martinez** were shown a photographic line up and were able to identify Defendant #1 **Jesus CAMARILLO** as the driver of the vehicle and were able to identify defendant #3 **Pedro MENDEZ-Lopez** as the foot guide.